

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

FILED
JUN - 3 2010
CLERK, U.S. DISTRICT COURT NORFOLK, VA

JAMES JOHNSON, #09820-007,

Petitioner,

v.

ACTION NO. 2:09cv330

PATRICIA STANSBERRY,
Warden,

Respondents.

FINAL ORDER

This matter was initiated by petition for a writ of habeas corpus under 28 U.S.C. § 2241.

The petition alleges due process violations on the behalf of the U.S. Parole Commission regarding petitioner's charges, notice of charges, and appearance, at his parole revocation hearings. Petitioner was initially sentenced on October 2, 1990 to six months in prison for attempted possession of PCP, a consecutive four to twelve years for armed robbery, and a consecutive three to nine years for robbery and assault with a dangerous weapon. Johnson was first paroled on January 23, 1995 but had his parole revoked three times over the next eleven years, once by the D.C. Board of Parole.

The matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for report and recommendation. Report of the Magistrate Judge was filed on April 26, 2010, recommending dismissal of the petition. By copy of the report, each party was advised of his right to file written objections to the findings and recommendations made by the

Magistrate Judge. The Court has received no objections to the United States Magistrate Judge's Report and Recommendation and the time for filing same has expired.

The Court does hereby accept the findings and recommendations set forth in the report of the United States Magistrate Judge filed April 26, 2010, and it is, therefore ORDERED that the petition be DENIED and DISMISSED.

To the extent that the petition is based on Ground 1, the alleged Due Process violation concerning fabrication of the charge, the petition is DISMISSED on the merits.

To the extent that the petition is based on Ground 2, the alleged Due Process violation for lack of notice, the petition is DISMISSED on the merits.

To the extent that the petition is based on Ground 3, Petitioner's absence when his sentence was entered, the petition is DISMISSED on the merits.

Petitioner may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within 60 days from the date of entry of such judgment.

The Clerk shall mail a copy of this Final Order to the petitioner and to counsel of record for the respondent.



Mark S. Davis
United States District Judge

UNITED STATES DISTRICT JUDGE

Norfolk, Virginia

May, 2010
June 2, 2010